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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,882	11/21/2002	Ikuko Mikami		9142

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

BOGART, MICHAEL G

ART UNIT PAPER NUMBER

3761

8

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/763,882

Applicant(s)

MIKAMI, IKUKO

Examiner

Michael G. Bogart

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08 Aug. 2001</u> . | 6) <input type="checkbox"/> Other: _____  |

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## Detailed Action

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

--Absorbent Breast Pad--.

The abstract of the disclosure is objected to because lines 1 and 2 recite "a breast pad which avoids hard feelings." This language should be revised to clarify its meaning. For example, --a breast pad which avoids discomfort-- would be a suitable alternative. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

The paragraph at page 4, lines 3-6 is awkwardly written and unclear. A suitable replacement paragraph would be: --In addition, the second object of the present invention is to provide a dome-shaped breast pad which has not been formed by a heat treatment process so as to avoid discomfort associated with materials which have been subject to heat deformation and/or heat treating materials.--

At page 6, line 21, after "member," the language is awkward and unclear. It is suggested that this language be replaced with -- it is difficult for the breast pad to slip out of its location--.

At page 8, line 18, "unpleasant feelings will not be given to a user" should be replaced with clearer language, such as: --a user will not experience discomfort--.

At page 13, line 11, applicants should replace "meltblow" with --meltblowing--.

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Appropriate correction is required.

### *Claim Objections*

Claims 2, 3 and 6-10 are objected to because of the following informalities:

At claims 2 and 3, "groove" should be plural and "curves" should be singular to comply with the antecedent language of the claims.

At claims 2, 3 and 7-10, "elastic member" should be plural.

At claim 6, line 1, replace "maim" with --main--.

At claim 6, line 5, after "water proof," insert --member--.

At claim 6, line 9, after "skin" insert --facing--.

At claim 6, line 9, after "side" replace "is" with --are--, in order to comply with the plural use of "edges" in the preceding line.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, applicants claim "elastic members *each* disposed at a respective side edge portion". This language is confusing because is not clear whether applicant is claiming a

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pair of elastic members, or some other number. If applicants intend to claim a pair, the term --a pair of-- should be inserted in line 4, before “elastic”. If applicants intend to claim some other number of elastic members, it is suggested that language such as: --at least one elastic member disposed at each respective side edge-- be employed.

Further regarding claim 1, applicants claim “concave grooves *each* provided inside *each* of said elastic members and extended in an expansion direction of *each* of said elastic members. The use of “each” makes it unclear what number of grooves and elastic members are being claimed. Also, the use of “inside” could be interpreted to mean that the grooves are within the actual elastic members themselves, rather than between the elastic members, as it appears that applicants intend to claim in light of the specification. An example of acceptable replacement language would be “a pair of concave grooves provided between said pair of elastic members and extended in an expansion direction of said pair of elastic members.”

Regarding claim 6, applicants claim “elastic members each disposed at a respective side edge portion”. This language is confusing because is not clear whether applicant is claiming a pair of elastic members, or some other number. If applicants intend to claim a pair, the term --a pair of-- should be inserted in line 6, before “elastic”. If applicants intend to claim some other number of elastic members, it is suggested that language such as: --at least one elastic member disposed at each respective side edge-- be employed.

Claims 2-5 and 7-10 are rejected as being dependent upon claims 1 and 6.

*Allowable Subject Matter*

Claims 1 and 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action.

Claims 2-5 and 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The most relevant art of record (Laid-open No. 83005/1989) teaches a breast pad comprising a pair of elastic members disposed at each side (see Figures 1-11).

Regarding claims 1-5, the reference fails to teach concave grooves disposed between the elastic members.

Regarding claims 6-10, the reference fails to teach side edges of the topsheet folded so as to embrace side edges of the absorbent core.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

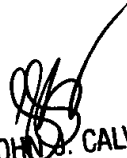
In the event the examiner is not available, the examiner's supervisor, John Calvert may be reached at phone number (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 746-3380 for informal communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.



Michael Bogart  
27 February 2004



JOHN S. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700